

1950

c 317 Public Service Act

Ontario

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CHAPTER 317

The Public Service Act

1.—(1) In this Act,

Interpre-
tation.

(a) "Board" means Public Service Superannuation Board;

(b) "child" includes adopted child and step-child;

(c) "civil servant" means a person appointed to the service of the Crown by the Lieutenant-Governor in Council or by a minister but does not include the persons or classes of persons designated by the regulations made under Part I, and "civil service" has a corresponding meaning;

(d) "Commission" means Civil Service Commission;

(e) "Crown" means Crown in right of Ontario;

(f) "employee" means a person who is appointed a civil servant by the Lieutenant-Governor in Council but does not include a person who is entitled to benefit from any other superannuation fund to which the Crown contributes, and "employed" has a corresponding meaning;

(g) "Fund" means Public Service Superannuation Fund;

(h) "Treasurer" means Treasurer of Ontario.

(2) For the purposes of Part II, where a computation involves part of a year, the computation shall be made on a ^{Computation of part of year.} monthly basis, and

(a) any part of a month less than 15 days shall be disregarded; and

(b) any part of a month not less than 15 days shall be deemed to be a month. 1947, c. 89. s. 1.

PART I

THE PUBLIC SERVICE

2.—(1) The commission known as the Civil Service Commission is continued and shall consist of not more than three ^{Civil Service Commission.} persons appointed by the Lieutenant-Governor in Council, one of whom may be appointed chairman.

Duties.

- (2) The Commission shall,
- (a) examine and pass upon the qualifications of nominees for the civil service;
 - (b) assign nominees for the civil service and civil servants to classifications prescribed by the regulations and specify the salary payable;
 - (c) determine the value of perquisites granted to civil servants;
 - (d) study the organization and administration of the staffs of the departments and make such recommendations to the Lieutenant-Governor in Council as it deems proper with respect to,
 - (i) the organization and administration methods in any department,
 - (ii) the co-ordination of the work of the departments, and
 - (iii) generally, the improvement of the civil service;
 - (e) investigate and report to the Lieutenant-Governor in Council upon any matter relating to the civil service or a civil servant referred to it by the Lieutenant-Governor in Council; and
 - (f) present annually to the Lieutenant-Governor in Council a report upon the performance of its duties during the preceding fiscal year, which report shall be laid before the Assembly at the next session of the Legislature. 1947, c. 89, s. 2.

Appoint-
ments.

3.—(1) The Lieutenant-Governor in Council may appoint such persons to the civil service as he may deem requisite or as may be required under any Act. 1947, c. 89, s. 3 (1).

Temporary
appoint-
ments.

(2) A minister may appoint such persons to the civil service in any department over which he presides as he may deem requisite or as may be required under any Act, but any such appointment shall not be for a longer period than one year. 1947, c. 89, s. 3 (2); 1949, c. 95, s. 12 (1).

Certifica-
tion by
Commission.

(3) No person shall be appointed as a civil servant until the Commission has certified to the Lieutenant-Governor in Council or the minister, as the case may be, that the person is qualified and has assigned him to a classification and specified the salary to which he is entitled in accordance with the regulations. 1947, c. 89, s. 3 (3).

4.—(1) Every civil servant shall before any salary is paid to him take and subscribe before the Clerk of the Executive Council or a person designated by the Lieutenant-Governor in Council, the oath of allegiance in the following form: Oaths of allegiance, office and secrecy.

I,, do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (or the reigning sovereign for the time being), his heirs and successors according to law. So help me God.

and the oath of office and secrecy in the following form:

I,, do swear that I will faithfully discharge my duties as a civil servant and except as I may be legally authorized or required I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant. So help me God.

1947, c. 89, s. 4 (1), *amended*.

(2) The Clerk of the Executive Council and the persons designated by the Lieutenant-Governor in Council to administer oaths shall keep records of the oaths that they administer. Record of oaths. 1947, c. 89, s. 4 (2).

5. Except as otherwise provided in section 6, subsection 2 of section 18 and section 34, every civil servant shall be retired upon attaining the age of 65 years. Age of retirement. 1947, c. 89, s. 5.

6.—(1) Where a civil servant or former civil servant, Special fitness.

(a) has attained the age of 65 years; and

(b) on account of his peculiar skill and fitness for his position it is in the public interest so to do,

the Lieutenant-Governor in Council may re-appoint him, but such re-appointment shall not be for a longer period than one year at a time and shall not be renewable for more than five years in all unless such re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants.

(2) Every civil servant who was more than 70 years of age on the 1st day of March, 1948 may be re-appointed by the Lieutenant-Governor in Council, but any such re-appointment shall not be for a longer period than six months at a time and shall not be renewable for more than five years in all unless such re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants. Civil servants over seventy. 1947, c. 89, s. 6.

7.—(1) A deputy minister shall have the general control of his department and shall have such other powers and perform such other duties as may be assigned to him by the Lieutenant-Governor in Council. Deputy minister, powers and duties of; 1947, c. 89, s. 7 (1).

power to
suspend;

(2) With the consent of his minister a deputy minister may suspend from employment any civil servant in his department who refuses or neglects to obey his directions. 1947, c. 89, s. 7 (2); 1948, c. 74, s. 1.

vacancy in
office.

(3) Where a deputy minister is absent or there is a vacancy in the office, the powers and duties of the deputy minister shall be exercised and performed by such civil servant as may be designated by the minister of the department. 1947, c. 89, s. 7 (3).

Debts of
civil
servants.

8. When a creditor of a civil servant files with the Treasurer,

- (a) a notice that a debt or money demand of not less than \$25, not being a claim for damages, is due and owing to him from a civil servant, either on a judgment or otherwise; and
- (b) such proof as the Treasurer may require that the debt or money demand is owing,

the Treasurer may deduct from the salary of the civil servant or from any money owing to him from the Crown, such amount as the Treasurer may see fit in the circumstances and pay the amount to the creditor in discharge or partial discharge of the debt or money demand. 1947, c. 89, s. 8.

Regula-
tions.

9. The Lieutenant-Governor in Council, or the Commission subject to the approval of the Lieutenant-Governor in Council, may make regulations,

- (a) prescribing the procedure to be followed in the appointment of civil servants;
- (b) designating the appointees or classes of appointees who shall not be civil servants;
- (c) prescribing the method of classifying, re-classifying and promoting civil servants and of increasing the remuneration of civil servants and of transferring civil servants from one department to another;
- (d) prescribing a schedule of classifications for civil servants, including qualifications, duties and salaries;
- (e) providing for the time and manner of payment of the salaries of civil servants;
- (f) prescribing the hours of service for civil servants;
- (g) providing for a system of credits for the regular attendance of civil servants and for the payment to a person who has ceased to be a civil servant, or to his

personal representative, of an amount equal to the value or a portion of the value of his credit;

(h) providing for the granting of leave of absence to civil servants;

(i) for regulating the conduct of civil servants, including the imposing of penalties by fine, suspension, demotion or otherwise;

(j) providing for the establishment of advisory, joint or departmental councils or committees and prescribing the powers and duties thereof;

(k) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1947, c. 89, s. 9.

10. The cost of administration of this Part shall be payable out of such moneys as may be appropriated therefor by the Legislature. 1947, c. 89, s. 10. Cost of administration.

PART II

SUPERANNUATION

11.—(1) The board known as the Public Service Superannuation Board is continued and shall consist of three members appointed by the Lieutenant-Governor in Council, one of whom shall be the representative of and employed in the civil service. Board, appointment of.

(2) The Board shall be responsible for the administration of this Part to the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council. 1947, c. 89, s. 11. Administration of Part II.

12.—(1) The fund known as the Public Service Superannuation Fund is continued and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account is continued. Fund continued.

(2) The Treasurer shall continue to be the custodian of the Fund. 1947, c. 89, s. 12 (1, 2). Treasurer to be custodian.

(3) The Fund shall consist of the amounts contributed by employees and the amounts credited to the Fund out of the Consolidated Revenue Fund or otherwise in accordance with law. 1947, c. 89, s. 12 (3), *amended*. Make-up of Fund.

(4) The Fund, less such amounts as may be necessary to meet current expenditures, shall, upon resolution of the Board, Investment of Fund.

be invested by the Treasurer in bonds of the province of Ontario or other securities guaranteed by the Province of Ontario.

Records.

(5) Records shall be kept by the Treasurer showing a separate account for each contributor to the Fund and for each beneficiary.

Audit.

(6) The Fund shall be audited by the provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant-Governor in Council and the report shall be laid before the Assembly at the next session of the Legislature. 1947, c. 89, s. 12, (4-6).

Employees' contributions.

13.—(1) Every employee employed before the 1st day of March, 1948, shall contribute to the Fund an amount equal to four per cent of his salary. 1947, c. 47, s. 13 (1).

Idem.

(2) Every employee employed on or after the 1st day of March, 1948, whose salary is less than \$1,500 shall contribute to the Fund an amount equal to five per cent of his salary.

Idem.

(3) Every employee employed on or after the 1st day of March, 1948, whose salary is \$1,500 or more shall contribute to the Fund an amount equal to six per cent of his salary.

Contributions to be deducted from salary.

(4) The contributions shall be deducted from the salary of the employee. 1947, c. 89, s. 13 (1 - 4).

Temporary employees permanently employed.

(5) Every person who,

(a) was employed temporarily and continuously up to the time of his appointment as an employee;

(b) gives notice in writing to the Board within three months after his appointment as an employee of his intention to pay the amount prescribed in clause c; and,

(c) pays, or agrees to pay by way of salary deductions, an amount equal to the amount that would have been payable by him had he been appointed as an employee at the date of his appointment as a temporary employee together with interest at three per cent per annum upon the amount so payable,

shall be entitled to credit for the period of service represented by the payments made in reckoning the amount of any allowance payable to him. 1947, c. 89, s. 13 (5), *amended*.

Extended application of subs. 5.

(6) Subsection 5 shall apply to every employee in respect of the period of his continuous non-contributory service. 1948, c. 74, s. 2, *part*.

(7) Subsection 5 shall not apply to persons who, after the 1st day of March, 1948, are appointed otherwise than as provided in section 3. Casual help.

(8) For the purposes of this section the Board shall have power to determine the date of the commencement of the employment of any person. 1947, c. 89, s. 13 (6, 7). Date of employment.

14.—(1) An employee who is granted leave of absence without salary shall within six months of the termination of the leave contribute to the Fund an amount equivalent to the deductions from his salary that would have been made if he had not been granted the leave, and where the leave, Leave of absence. contributions.

(a) exceeds one month; and

(b) is granted for a reason other than the illness of the employee,

he shall within the same period of time contribute to the Fund an additional equivalent amount which shall be in lieu of the credits provided for in section 15.

(2) Where an employee is granted leave of absence without salary for educational purposes, he may make the contributions mentioned in subsection 1, in which case the contributions shall be made within a period of time that is equivalent to or less than the period of the leave, or he may elect not to make such contributions, in which case he shall not be entitled to credit for the period of the leave. 1947, c. 89, s. 14. Leave for educational purposes.

15.—(1) When a contribution of an employee is credited to the Fund, an equivalent amount shall be credited to the Fund out of the Consolidated Revenue Fund. Employer's contributions.

(2) Where employees are engaged in a branch of the civil service having a special fund and the branch and fund are designated for the purpose of this subsection by the Lieutenant-Governor in Council, amounts equivalent to the contributions to the Fund of such employees shall be credited or paid to the Fund out of the designated fund in lieu of the credits to the Fund provided for in subsection 1. designated branches;

(3) Where the Lieutenant-Governor in Council designates a board or commission under section 36, amounts equivalent to the contributions to the Fund of employees who are members of the permanent staff of the board or commission shall be credited to the Fund out of such moneys as may be appropriated therefor by or for the board or commission in lieu of the credits to the Fund provided for in subsection 1. 1947, c. 89, s. 15. boards and commissions.

Interest.

16. There shall be credited to the Fund out of the Consolidated Revenue Fund interest at the rate of five per cent per annum compounded annually and such interest shall be made up at the close of each fiscal year upon the uninvested balance in the Fund at the commencement of the fiscal year. 1947, c. 89, s. 16.

Deficiency.

17. When the amount at the credit of the Fund is insufficient to meet the payments required under this Part, the deficiency shall be made up out of the Consolidated Revenue Fund. 1947, c. 89, s. 17.

Superannuation allowance, payable at 65;

18.—(1) Every employee who,

- (a) has attained the age of 65 years; and
- (b) has contributed to the Fund in respect of a period of 15 or more years,

shall be entitled to a superannuation allowance upon his retirement. 1947, c. 89, s. 18 (1).

payable at 70;

(2) Notwithstanding subsection 1, every employee who was more than 50 years of age on the 1st day of March, 1948, and who,

- (a) has attained the age of 70 years; and
- (b) has contributed to the Fund in respect of a period of 15 or more years or in respect of a period of 10 or more years in the case of an employee whose employment began before the 25th day of June, 1937,

shall be entitled to a superannuation allowance upon his retirement. 1947, c. 89, s. 18 (2); 1948, c. 74, s. 3.

payable at 60.

(3) Every employee who,

- (a) has attained the age of 60 years; and
- (b) has contributed to the Fund in respect of a period of 25 or more years,

shall be entitled to a superannuation allowance upon his retirement. 1947, c. 89, s. 19.

Disability allowance.

19.—(1) Every employee who,

- (a) has contributed to the Fund in respect of a period of 10 or more years;
- (b) is found by the Board by reason of mental or physical incapacity to be unable to perform his duties; and
- (c) is retired by the Lieutenant-Governor in Council,

shall be entitled to a disability allowance.

(2) The Board may review the case of any person receiving a disability allowance and if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties the Board shall report the case to the Lieutenant-Governor in Council who may direct that he be offered re-employment. Review.

(3) When a person is offered re-employment under this section and does or does not accept the offer, his disability allowance shall cease. Re-employment.

(4) Where a person does not accept the offer of re-employment under this section and the amount of the allowance paid to him is less than the amount of his contributions with interest at three per cent per annum, the amount of the difference shall be paid to him in monthly instalments or otherwise as he may direct. 1947, c. 89, s. 20. Where offer not accepted.

20.—(1) The amount of every annual superannuation and disability allowance shall be computed by dividing by 50 the amount of the average annual salary of the employee during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the Fund in respect of such period, but not more than 35 years of service shall be reckoned. 1947, c. 89, s. 21 (1); 1948, c. 74, s. 4. Computation of superannuation and disability allowances.

(2) In no case shall the amount of an annual superannuation allowance be,

(a) more than \$3,000; or

(b) less than \$600, except where \$600 is greater than 70 per cent of the employee's average salary during the last three years of his service.

Maximum and minimum superannuation allowance.

(3) In no case shall the amount of an annual disability allowance be,

(a) more than \$3,000; or

(b) less than \$600, except that where the employee receives another disability allowance, grant, award or pension and his disability allowance under this Part is less than \$600, the amount of his disability allowance under this Part shall be such that he will receive a total of not less than \$600 from both sources. 1947, c. 89, s. 21 (2), (3).

Maximum and minimum disability allowance.

Compensation allowances.

21. An employee who,

- (a) has attained the age of 45 years and has contributed to the Fund in respect of 25 or more years;
- (b) has attained the age of 50 years and has contributed to the Fund in respect of 20 or more years; or
- (c) has attained the age of 55 years and has contributed to the Fund in respect of 15 or more years,

may, upon his dismissal, be granted a compensation allowance by the Lieutenant-Governor in Council. 1947, c. 89, s. 22 (1).

Compensation allowances, computation of,

22.—(1) The amount of every annual compensation allowance shall be computed by dividing by 70 the amount of the average annual salary of the employee during the three consecutive years of his service during which his salary was highest and multiplying the quotient by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the Fund in respect of such period, but not more than 35 years of service shall be reckoned. 1947, c. 89, s. 22 (2); 1948, c. 74 (4).

maximum.

(2) In no case shall the amount of an annual compensation allowance be more than \$2,000.

Increase in rate.

(3) When a person receiving a compensation allowance attains the earliest age at which he would have been eligible for a superannuation allowance under section 18 had he continued to be employed, the allowance shall be computed in the manner prescribed in section 20, but the period during which he was in receipt of a compensation allowance shall not be included in the computation.

Allowances to widows and children.

(4) The allowances to widows and children of persons who were in receipt of compensation allowances computed under subsection 1 shall be at the rate to which they would have been entitled had the employee died in the service.

Limitations of subss. 3, 4.

(5) Subsections 3 and 4 shall not apply in the case of a person who is granted a compensation allowance after the 1st day of March, 1948. 1947, c. 89, s. 22 (3-6).

Re-employment of superannuate.

23.—(1) Where a person who has reached retiring age and who has been granted a superannuation allowance is re-employed,

- (a) payment of the allowance shall be suspended during the period of re-employment;

(b) he shall not make any contributions to the Fund during the period of re-employment; and

(c) upon final retirement payment of the allowance shall be resumed.

(2) Where an employee who has been granted an allowance before attaining the age of 65 years is re-employed, payment of his allowance shall be suspended during the period of his re-employment but the period of re-employment shall be added to the period of his prior employment in determining the allowance to which he is entitled upon his retirement. 1947, c. 89, s. 23.

24.—(1) Where an employee who has contributed to the Fund in respect of a period of less than three years resigns or is dismissed, or dies leaving no widow and no child or children, an amount equal to the total of his contributions shall be paid to him in monthly instalments or otherwise as he may direct or to his personal representative, as the case may be. Re-employment generally.

(2) Where an employee who has contributed to the Fund in respect of a period of three or more years resigns or is dismissed and is not entitled to or granted any allowance, or dies leaving no widow and no child or children, an amount equal to the total of his contributions with interest at three per cent per annum shall be paid to him in monthly instalments or otherwise as he may direct, or to his personal representative, as the case may be. 1947, c. 89, s. 24, *amended*. Refunds.

25. Where an employee,

(a) having attained retiring age is retired; or

(b) dies leaving a widow or a child or children,

before he is entitled to a superannuation allowance, twice the amount of his contributions with interest at three per cent per annum shall be paid to him in monthly instalments or otherwise as he may direct or to his widow or child or children, as the case may be. 1950, c. 66, s. 1. Retirement or death before superannuation.

26. Except as provided in section 27, where a retired employee who is in receipt of any allowance dies, an amount equal to the amount of his contributions, with interest at three per cent per annum, less the amount of the allowance paid to him, shall be paid to his personal representative. 1947, c. 89, s. 26. Death of person in receipt of allowance.

27.—(1) Where an employee who has contributed to the Fund in respect of a period of 10 or more years, or a former employee who is in receipt of any allowance, Allowance to widows, etc.

- (a) dies leaving a widow, an amount equal to,
 - (i) one-half of the allowance computed in the manner provided in section 20 but based on the employee's employment to the time of his death, or
 - (ii) one-half of the allowance that the former employee was receiving at the date of his death,

as the case may be, shall be paid to his widow during her life or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of 18 years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) dies leaving no widow but leaving a child or children under the age of 18 years, an amount equal to,
 - (i) one-half of the allowance computed in the manner provided in section 20 but based on the employee's employment to the time of his death, or
 - (ii) one-half of the allowance that the former employee was receiving at the date of his death,

as the case may be, shall be paid to the child or children until such age is attained.

Where payments less than contributions.

(2) Where the payments made under subsection 1 or the amount of the allowance and any payments made under subsection 1, as the case may be, are less than the amount of the contributions of the employee with interest at three per cent per annum, the amount of the difference shall be paid to his personal representative. 1947, c. 89, s. 27 (1, 2).

Late marriages.

(3) Subsection 1 shall not apply to the widow of an employee or former employee if she married him after he attained the age of 60 years or after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest at three per cent per annum, less the total amount of the allowance paid to him, if any, shall be paid to his widow or child or children, as the case may be. 1950, c. 66, s. 2.

Where employee is a widow.

(4) Where the employee or former employee is a widow, subsection 1 shall apply *mutatis mutandis* to her child or children. 1947, c. 89, s. 27 (4).

28.—(1) No payment shall be made out of the Fund until the Board has determined that the payment is in accordance with this Part. Payments out.

(2) Every payment out of the Fund shall be made by cheque of the Treasurer issued upon the requisition in writing of the chairman or secretary of the Board and every such requisition shall be sufficient authority for all purposes for the issue of the cheque so requisitioned. 1947, c. 89, s. 28. Idem.

29. Allowances shall be paid in monthly instalments. 1947, c. 89, s. 29. Payment of allowances.

30. The interest of any employee in the Fund and any allowance payable out of the Fund shall not be subject to garnishment, attachment, seizure or other process of law and shall not be assignable. 1947, c. 89, s. 30. No attachment, etc.

31. When a person who ceases to be an employee is indebted to the Crown, the amount owing shall be deducted from any payments to which he or his personal representative may be entitled under this Part. 1947, c. 89, s. 31, *amended*. When employee indebted to Crown.

32.—(1) This Part shall apply to,

(a) every sheriff; and

(b) every person or class of persons connected with the administration of justice who or that may be designated by the Lieutenant-Governor in Council,

Sheriffs, persons engaged in administration of justice;

whether paid by fees or salary or partly by fees and partly by salary.

(2) Where a sheriff or person or class of persons designated under subsection 1 is paid by fees or partly by fees, the contributions payable under this Part in respect of fees shall be computed upon the net income, within the meaning of *The Public Officers' Fees Act*, payable for the preceding year in respect of the office occupied by him and the allowances shall be computed accordingly. 1947, c. 89, s. 32. computation of contributions.

Rev. Stat., c. 312.

33.—(1) This Part shall apply to every jailer and jail employee, other than a jail surgeon, who is employed full-time on the permanent staff of a county or city jail, in respect of his service after the 30th day of June, 1948, except that the county or city, as the case may be, shall contribute to the Fund an amount equal to the contribution of the jailer or jail employee Jailers and jail employees.

in lieu of the contribution out of the Consolidated Revenue Fund provided for in section 15, and shall also pay into the Fund the contribution deducted from the salary of the jailer or jail employee.

Rates of contribution.

(2) Jailers and jail employees shall contribute to the Fund at the rates prescribed in subsections 2 and 3 of section 13.

Agreements respecting prior service.

(3) The Board and the council of a county or city that has established a jail may, with the approval of the Lieutenant-Governor in Council, enter into an agreement under which the jailer and jail employees and the municipality may pay into the Fund in respect of the service of such persons before the 1st day of July, 1948, and where such an agreement is entered into and such payments are made, the jailer or jail employee shall be entitled to credit for the period of service represented by the payments made in reckoning the amount of any allowance payable to him. 1948, c. 74, c. 5.

Magistrates.
Rev. Stat.,
c. 219.

34. This Part shall apply to every full-time magistrate except that *The Magistrates Act* shall govern the age of retirement of magistrates. 1947, c. 89, s. 33 (1).

Former teachers.
1947, c. 89.

35.—(1) Every person who made an election under subsection 1 or 2 of section 34 of *The Public Service Act, 1947*, or whose contributions and credits in The Teachers' Superannuation Fund have been transferred to the Fund, shall be entitled to service credit in the Fund for the number of years that is equal to the number obtained by dividing one-half of the amount transferred or paid into the Fund by a number that is equal to four per cent of his annual salary upon his appointment as an employee, provided that the number of years of service credit so obtained shall in no case exceed 18, or 70 per cent of the number of years for which he contributed to The Teachers' Superannuation Fund. 1948, c. 74, s. 7. *part, amended.*

Idem.

(2) Where a person who was a contributor to The Teachers' Superannuation Fund becomes an employee and within 60 days from the date of his becoming an employee makes a written request to the Teachers' Superannuation Commission and to the Board, an amount equal to his contributions and credits in The Teachers' Superannuation Fund with accumulated interest shall be transferred to the Fund from The Teachers' Superannuation Fund.

Where contributions withdrawn.

(3) Where a person who becomes an employee has withdrawn his contributions from The Teachers' Superannuation Fund he may pay into the Fund, within three months of the date of his becoming an employee, the amount withdrawn

with interest from the date of such withdrawal at four and three-quarters per cent per annum compounded half-yearly.

(4) An employee who makes an election under subsection 2 or 3 shall be entitled to service credit in the Fund for the number of years that is equal to the number obtained by dividing one-half of the amount transferred or paid into the Fund by a number that is equal to six per cent of his annual salary upon his appointment as an employee, provided that the number of years of service credit so obtained shall in no case exceed 18, or 70 per cent of the number of years for which he contributed to The Teachers' Superannuation Fund.

Computa-
tion of
service
credits.

(5) Where a contributor or former contributor to The Teachers' Superannuation Fund is an employee or becomes an employee and has elected or elects to become a contributor to the Fund and has withdrawn or withdraws his contributions from The Teachers' Superannuation Fund, his credits therein with accumulated interest shall be transferred to the Fund where he makes an election under subsection 3, and such credits and accumulated interest shall be included in the calculation of service credit provided for in subsections 1 and 4. 1948, c. 74, s. 7, *part*.

Transfer o.
credits.

(6) The benefits under this Act to an employee who has made an election under this section shall not be less than he would have received had he continued as a contributor to The Teachers' Superannuation Fund. 1948, c. 74, s. 7, *part*.

Teachers and
inspectors
not to lose
by transfer.

(7) Where a former employee is employed within the meaning of *The Teachers' Superannuation Act*, his contributions and credits in the Fund, together with interest at the rate of four and three-quarters per cent per annum, shall be transferred to The Teachers' Superannuation Fund. 1949, c. 95, s. 12 (2).

Employees
becoming
teachers.

R.S.O.,
c. 384.

36. This Part shall apply to the permanent staff of any board or commission established under any Act of the Legislature that may be designated by the Lieutenant-Governor in Council. 1947, c. 89, s. 35.

Application
of Part.

37.—(1) Where an employee becomes a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant-Governor in Council, may determine, with interest at such rate as the Board, subject to the approval of the Lieutenant-Governor in Council, may determine, shall be

Arrange-
ment for
payment.

out of Fund
into another
superannua-
tion fund;

paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

into Fund
out of
another
superannua-
tion fund.

(2) Where a member of the civic service of any municipality or of the staff or any board, commission or public institution established under any Act of the Legislature becomes an employee and a sum of money is paid into the Fund in respect of the period during which he was a civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant-Governor in Council, may allow him such credit under this Part in respect of the sum and the period of service represented thereby as may be determined. 1949, c. 95, s. 12 (3).

Annual
statement
to Assembly.

38. The Board shall present annually to the Lieutenant-Governor in Council a report with respect to the preceding fiscal year showing,

- (a) the names of the employees who have died or retired;
- (b) the position held by each of them;
- (c) the amount of salary payable to each of them at the time of death or retirement;
- (d) the age of each of them at death or retirement;
- (e) the cause of retirement;
- (f) the amount of superannuation or other allowance payable in each case; and
- (g) all other payments authorized under this Part and particulars thereof,

which report shall be laid before the Assembly at the next session of the Legislature. 1947, c. 89, s. 37.

Regulations
by Board.

39. The Lieutenant-Governor in Council, or the Board subject to the approval of the Lieutenant-Governor in Council, may make regulations,

- (a) prescribing the proofs to be furnished as a condition to the payment of an allowance;
- (b) prescribing the times at which and the manner in which contributions to the Fund shall be made by any class of employees with respect to which special circumstances exist;
- (c) determining the maximum number of years of contribution to the Fund, the maximum amount of contribution to the Fund or the maximum salary on which contributions shall be reckoned;

- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part. 1949, c. 89, s. 39.

40. The cost of administration of this Part shall be payable out of such moneys as may be appropriated therefor by the Legislature. 1947, c. 89, s. 39.

Cost of
adminis-
tration.

41. This Act shall not operate to,

Existing
allowances.

- (a) increase or decrease the amount of any allowance that was being paid on the 1st day of March, 1948; or
- (b) affect any right to an allowance created under any predecessor of this Act and where there is any such right, the provisions of this Act shall apply *mutatis mutandis* thereto. 1947, c. 89, s. 40.
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